

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PERRY D. LOWE,

Petitioner,

v.

JEFFREY A. UTTECHT,

Respondent.

NO: 2:16-CV-109-RMP

ORDER DISMISSING HABEAS
PETITION

By Order filed May 27, 2016, the Court directed Petitioner, a *pro se* prisoner at the Coyote Ridge Corrections Center, to show cause why his Petition for Writ of Habeas Corpus should not be dismissed. ECF No. 5. Petitioner had paid the \$5.00 filing fee to commence this action on April 18, 2016, ECF No. 4. Respondent has not been served.

The Court found that Petitioner's federal challenge to his 2001 Spokane County jury convictions and sentence was time barred under 28 U.S.C. § 2244(d). The Court cautioned Petitioner that if he failed to show cause for his late filed

1 Petition, it would be dismissed. Petitioner did not respond to the Court's directive
2 and has filed nothing further in this action.

3 Therefore, for the reasons set forth above and in the Order to Show Cause
4 and Order Denying Motion for Appointment of Counsel, ECF No. 5, **IT IS**
5 **ORDERED** that the Petition, ECF No. 4, is **DISMISSED with prejudice** as
6 precluded by 28 U.S.C. § 2244(d).

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order, enter judgment, forward a copy to Petitioner at his last known address and
9 close the file. The Court further certifies that pursuant to 28 U.S.C. § 1915(a)(3),
10 an appeal from this decision could not be taken in good faith, and there is no basis
11 upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.
12 App. P. 22(b).

13 **DATED** this 1st of July 2016.

14 *s/ Rosanna Malouf Peterson*
15 ROSANNA MALOUF PETERSON
16 United States District Judge
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